

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

HEARING DATE: January 15, 2015
HEARING TIME: 10:00 am

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In re:

MARY ELLEN VEITCH and
JOHN J. VEITCH,

Case No.: 814-73374-las

Debtors.

NOTICE OF MOTION

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PLEASE TAKE NOTICE that, upon the annexed application, the United States Trustee for Region 2 will move this Court before the Honorable Louis A. Scarcella, United States Bankruptcy Judge of the United States Bankruptcy Court at Long Island Federal Courthouse, Federal Plaza, Courtroom 760, Central Islip, New York on **January 15, 2015 at 10:00 am**, or as soon thereafter as counsel can be heard, for the entry of an order extending the time for the United States Trustee to commence a motion dismissing the above referenced debtor's Chapter 7 case under 11 U.S.C. § 707(b) and/or objection to the debtor's discharge under 11 U.S.C. § 727, together with such other and further relief as may seem just and proper.

Responsive papers shall be filed with the Clerk of the Bankruptcy Court, 290 Federal Plaza, Central Islip, New York 11722-9013 and personally served upon the United States Trustee, 560 Federal Plaza, Central Islip, New York 11722-4456, Attn: Stan Y. Yang, Esq., no later than five (5) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Bankruptcy Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Dated: Central Islip, New York
November 25, 2014

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE
Region 2

By: /s/ Stan Y. Yang

Stan Y. Yang
Trial Attorney
560 Federal Plaza
Central Islip, New York 11722
(631) 715-7800

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AFFIDAVIT OF SERVICE
BY REGULAR MAIL

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STATE OF NEW YORK)

:ss

COUNTY OF SUFFOLK)

Deborah Scheff, being duly sworn, deposes and says:

1. I am not a party to this action, am over the age of 18 years and am employed at the Office of the United States Trustee for the Eastern District of New York, 560 Federal Plaza, Central Islip, New York 11722.

2. On November 25, 2014, I served a true copy of the annexed Notice of Motion, and Motion of the United States Trustee To Extend the Time in which to file a Motion to Dismiss Case Under 11 U.S.C. §707(b) and the time in which to bring a complaint objecting to the Debtors' discharge pursuant to § 727 by mailing the same by Regular Mail in a sealed envelope, with postage pre-paid thereon, addressed to the last known address of the addresses listed on the attached list.

/S/ Deborah Scheff

Deborah Scheff

Sworn to before me on the
25th day of November, 2014

/S/ Stan Y. Yang

Notary Public

State of New York

No. 31-4977344

Qualified in Nassau County

Commission Expires Feb. 4, 2015

MAILING LIST

Mary Ellen and John J. Veitch
29 Fairway Drive
Bellport, New York 11713

Michael J. Macco, Esq.
Macco & Stern LLP
135 Pinelawn Road
Suite 120 South
Melville, New York 11747

Allan B. Mendelsohn, Esq.
38 New Street
Huntington< New York 11643

UNITED STATES BANKRUPTCY COURT
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In re:

MARY ELLEN VEITCH and
JOHN J. VEITCH,

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Debtors.

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**MOTION OF THE UNITED STATES TRUSTEE TO EXTEND THE TIME TO
FILE A MOTION TO DISMISS CASE PURSUANT TO 11 U.S.C. § 707(b)
AND TO FILE COMPLAINT TO DENY DISCHARGE**

**TO: THE HONORABLE LOUIS A. SCARCELLA,
UNITED STATES BANKRUPTCY JUDGE:**

The United States Trustee for Region 2 (the “United States Trustee”) in furtherance of his duties and responsibilities pursuant to 28 U.S.C. § 586(a)(3) and (5) does hereby move this Court for the entry of an order extending the time to file a motion under 11 U.S.C. § 707(b) dismissing this case for abuse and/or file a complaint under 11 U.S.C. § 727 denying the debtor’s discharge.

In support of this motion, the United States Trustee represents and alleges as follows:

PRELIMINARY STATEMENT

Mary Ellen and John J. Veitch (the “Debtors”) filed a voluntary joint chapter 7 petition on July 24, 2014. The Debtors’ case was selected for an audit pursuant to 28 U.S.C. § 586(f)(1). On or about September 29, 2014, the auditor made a document request through the Debtors’ counsel. The Debtors only partially complied with the document request. Pursuant to a stipulation that was “So Ordered” by the Court on October 24, 2014, the time for the United States Trustee to commence actions under §§ 707 or 727 was extended to December 1, 2014. On November 21, 2014, the auditor sent a letter to the Debtors advising them of the missing

documents and requesting them to be submitted. It is only after all of the requested documents are reviewed and the audit report is issued, then the United States Trustee will be able to determine whether further actions under §§ 707 or 727 are warranted. Therefore, the United States Trustee respectfully requests the Court to enter an order further extending the deadline for the United States Trustee to make a determination whether to commence an action under § 707 or §727, to February 28, 2015.

BACKGROUND

1. On July 24, 2014, the Debtors filed a voluntary joint petition for relief under chapter 7 of the Bankruptcy Code. (Docket Entry (“DE”) #1).
2. Allan B. Mendelsohn Esq., was appointed as chapter 7 trustee (the “Trustee”), and by operation of law, became the permanent trustee, administering this estate.
3. On September 29, 2014, the Debtors’ case was selected for an audit pursuant to 28 U.S.C. §581(f)(1).
4. Tronconi, Segarra and Associates LLP (the “Auditor”) sent a document request to the Debtors but to date, the Debtors have only partially responded to the document request.
5. Pursuant to a stipulation that was “So Ordered” by the Court dated October 24, 2014, the deadline for the United States Trustee to commence a motion dismissing this chapter 7 case under 11 U.S.C. § 707(b) and/or file a complaint denying the Debtors’ discharge under 11 U.S.C. §727 has been extended to December 1, 2014 (DE#14).
6. On November 21, 2014, the Auditor sent a follow up letter to the Debtors detailing the missing documents and requesting them to be submitted. At present, the Auditor has not issued a report, and are awaiting receipt of the Debtors’ documents.

RELIEF SOUGHT

7. The United States Trustee is requesting additional time to review the audit results so as to determine whether grounds exist to support a motion to dismiss pursuant to §707(b) and/or to deny the Debtors' discharge pursuant to 11 U.S.C. §727.

8. As a result, the United States Trustee seeks a further extension of the deadline for the United States Trustee to make a motion under 11 U.S.C. §707(b) and/or file a complaint under 11 U.S.C. § 727.

WHEREFORE, the United States Trustee respectfully requests, pursuant to Federal Rules of Bankruptcy Procedure 1017(e)(1), the time to file a motion to dismiss pursuant to § 707(b) and a complaint to deny the Debtors' discharge pursuant to § 727 be extended to **February 28, 2014**, and for such other, further and different relief as to this Court seems just and proper.

Dated: Central Islip New York
November 25, 2014

Respectfully Submitted,

WILLIAM K. HARRINGTON
UNITED STATES TRUSTEE
Region 2

By /S/ Stan Y. Yang
Stan Y. Yang
Trial Attorney

560 Federal Plaza
Central Islip, New York 11722
(631) 715-7800